

IN THE CIRCUIT COURT FOR HAMILTON COUNTY, TENNESSEE

FILED IN OFFICE

SAVAGE RIVER ENTERPRISES, LLC
d/b/a SAVAGE RIVER KENNELS, and
MELISSA WALTHOUR,
Plaintiffs,

2025 APR 29 PM 3:42
JURY DEMAND
LARRY L. HENRY, CLERK

DOC. NO. 25C578 DS DC

VS

DIV. _____

SINCLAIR BROADCAST GROUP, LLC
d/b/a WTVC-TV NewsChannel 9, and
ANNA CAROLINE "AC" BARKER,
Defendants.

COMPLAINT

Plaintiffs, Savage River Enterprises, LLC, d/b/a Savage River Kennels, and Melissa Walthour, ("Plaintiffs"), by and through their undersigned counsel, hereby bring this action against Defendants, Sinclair Broadcast Group, LLC d/b/a WTVC-TV NewsChannel 9, and Anna Caroline "AC" Barker, and for their Complaint against Defendants state as follows:

Parties

1. Plaintiff, Savage River Enterprises, LLC, d/b/a Savage River Kennels (sometimes referred to hereinafter as "Savage River"), is a Limited Liability Company organized under the laws of the State of Georgia. Savage River Enterprises, LLC, is an entity for the purpose of jurisdiction and is a resident of the State of Georgia in Walker County. Savage River Enterprises, LLC owns and operates Savage River Kennels, a dog boarding and training facility licensed by the State of Georgia (License #3501418). The kennel is located at 8994 West Cove Road, Chickamauga, Walker County, Georgia 30707.

2. Plaintiff, Melissa Walthour (sometimes referred to hereinafter as "Mrs. Walthour"), is, an adult resident of Chickamauga, Walker County, Georgia. Ms. Walthour is the manager and trainer for Savage River Kennels.

3. The Defendant, Sinclair Broadcast Group, LLC d/b/a WTVC-TV NewsChannel 9 (sometimes referred to hereinafter as “Defendant WTVC-TV NewsChannel 9” or “NewsChannel9”) is a Foreign Limited Liability Company organized under the laws of the State of Maryland and registered to transact business in Tennessee (Control Number: 001409300). Sinclair Broadcast Group, LLC d/b/a WTVC-TV NewsChannel 9, is an entity for the purpose of jurisdiction and is a television station that operates in Chattanooga, Tennessee at 4279 Benton Drive, Chattanooga, TN 37406. Defendant Sinclair Broadcast Group, LLC d/b/a WTVC-TV NewsChannel 9 may be served through its registered agent CT Corporation System, at 300 Montvue Road, Knoxville, TN 37919.

4. Defendant, Anna Caroline “AC” Barker (sometimes referred to hereinafter as “Defendant Barker” or “AC Barker”) is an adult resident of Charleston County, SC. At all times relevant hereto, AC Barker was employed as a news anchor and reporter for Defendant WTVC-TV NewsChannel 9 and a resident of Hamilton County, TN. Defendant Barker may be served at 1000 Boopa Lane, Apt. 310, Mount Pleasant, SC 29464.

Jurisdiction and Venue

5. This Court has jurisdiction over the subject matter of this action pursuant to Tenn. Code Ann. § 20-4-101. Defendant WTVC-TV NewsChannel9 is directly liable for its own conduct and, as a business entity, is vicariously liable for the torts of its servants, employees, agents and contractors committed within the scope of Defendant WTVC-TV NewsChannel9’s business, including Defendant Barker.

6. Tenn. Code Ann. § 20-4-101(a) provides, “In all civil actions of a transitory nature, unless venue is otherwise expressly provided for, the action may be brought in the county where the cause of action arose or in the county where the individual defendant resides.”

7. Venue is proper in this Court pursuant to T.C.A. § 20-4-101, as the cause of action arose in Hamilton County, Tennessee, and the Defendants conducted business in Hamilton County, Tennessee.

Notice and Demand for Retraction

8. Pursuant to Tenn. Code § 29-24-103(a), Plaintiffs served notice in writing on the Defendants, specifying the article and the statements therein which the Plaintiffs allege to be false and defamatory, on October 11, 2024. This Notice is attached and incorporated herein as **Exhibit A**. In such Notice, Plaintiffs requested retraction of the false, misleading, and/or defamatory statements published in multiple media formats by WTVC-TV NewsChannel 9 News, former anchor/reporter AC Barker, and current anchor Kim Chapman Whitfield. Via telephone call, NewsChannel9 initially agreed to either retract all such statements OR take down the links to the statements/news articles available to Sinclair's numerous stations across the country, however, ultimately did neither, leading to the initiation of this suit.

Statement of Facts

9. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

10. Plaintiffs, own and operate Savage River Kennels, a dog boarding and training facility located in Chickamauga, Georgia.

11. Prior to the events described herein, Plaintiff had built a favorable reputation in the community and enjoyed a steady and profitable business operation. Plaintiffs were booked out months at a time, and trained dogs for clients from across the country.

12. On or about April 29, 2024, Defendant AC Barker, while acting within the course and scope of employment with Defendant NewsChannel9, broadcasted a news segment on NewsChannel9's television channel regarding Plaintiff and her business, Savage River Kennels.

13. During this broadcast, Defendant AC Barker made numerous false and defamatory statements concerning Plaintiff and Plaintiff's business. On or about the same date, Defendants published a written article on its website titled "*Pet owner demands refund as puppy returns sick, pregnant from unlicensed kennel*" which contained the same or substantially similar false and defamatory statements about the Plaintiffs and Plaintiffs' business.

14. These statements were subsequently memorialized and widely disseminated by Defendants via social media and other additional formats known to NewsChannel 9.

15. Plaintiffs have identified the following five (5) known publications of the defamatory statements and writings regarding Plaintiff and her business:

- i. News Article- Published on April 29, 2024, original title titled "*Pet owner demands refund as puppy returns sick, pregnant from unlicensed kennel*;" revised May 7, 2024, current title "*State: No violation for dog that returned from kennel pregnant despite previous complaint.*"
 - a. URL: <https://newschannel9.com/news/local/pet-owner-demands-refund-as-puppy-returns-sick-pregnant-from-illicit-chickamauga-kennel-savage-river-kennels-litter-puppies-giardia-parasite-canine-training-gone-wrong-pet-problems-chickamauga>
- ii. Television News Segment- Aired on or about April 29, 2024, featuring former anchor/reporter AC Barker and current anchor Kim Chapman Whitfield.
- iii. Radio News Segment- Aired on or about April 29, 2024.
- iv. YouTube Video #1: Posted April 29, 2024, with text caption, to the official WTVC-TV NewsChannel 9 account, titled "*Pet owner demands refund as puppy returns sick, pregnant from unlicensed Georgia kennel.*"
 - a. URL: <https://youtu.be/3dfkze3yLWw?si=RGTEQw7iPOEoZ-ai>
- v. YouTube Video #2: Posted April 30, 2024, with text caption, to the official WTVC-TV NewsChannel 9 account, also titled "*Pet owner demands refund as puppy returns sick, pregnant from unlicensed Georgia kennel.*" This video

includes a watermark of former NewsChannel 9 anchor AC Barker's TikTok username, ACBARKER_NC9.

- a. URL:<https://youtube.com/shorts/PNhTtx23D5s?si=EyYdn3VenwnroOw7>

16. While the article has undergone one (1) known set of revisions, neither of the YouTube videos/accompanying text captions published by NewsChannel 9 have received these revisions. Further, the amended article fails to rectify its misreporting on the Savage River Kennel's licensure status. Savage River Kennels held an active Kennel License under Georgia laws at all material times, reflecting an issue date of January 22, 2024.

17. Upon information and belief, Defendants failed to exercise reasonable care in investigating the accuracy of the information prior to broadcasting and publishing these statements.

18. In the Notice provided to Defendants in October 2024, and again requested in April 2025, Plaintiffs identified the multiple false and misleading statements contained in these publications:

- i. News Article: Edited version published May 7, 2024; author stated as AC Barker.

a. Written Statements for Retraction:

1. [URL] Reflects original title of article, <https://newschannel9.com/news/local/pet-owner-demands-refund-as-puppy-returns-sick-pregnant-from-illicit-chickamauga-kennel-savage-river-kennels-litter-puppies-giardia-parasite-canine-training-gone-wrong-pet-problems-chickamauga#>
2. [Photo 2/7 caption] *"Dog pregnant after kennel stay"*
3. "An open records request reveals that the Georgia Department of Agriculture found no violations when they investigated an 8-month-old puppy *who came back from a Chickamauga trainer pregnant.*"
4. "We dug deeper into the kennel in Chickamauga on Monday and learned that the *Savage River Kennels used to have a kennel*

license but hasn't renewed that license in the last couple of years. Even though according to Facebook, it still appears to be open for business."

5. *"The fact that Savage River Kennels has not renewed their kennel license in a few years -- but appears to be still operating as one -- is a concern for Jason Smith, program manager for the Companion Animal Equine Program of the Georgia Department of Agriculture."*

6. *"Smith later confirmed that Savage River Kennels held a pet dealer license until March 2021, when they let their license lapse. The kennel also had a kennel license which lapsed in March 2023."*

ii. Television News Segment- Aired on or about April 29, 2024, featuring former anchor AC Barke and current anchor Kim Chapman Whitfield.

a. Oral Statements for Retraction:

1. See below, as the TV segment was recorded, and subsequently re-published as YouTube Video #1.

iii. Radio News Segment- Aired on or about April 29, 2024, contents unknown. NewsChannel 9 is responsible for their oral statements made via radio and should issue retractions identical to those outlined herein.

iv. YouTube Video #1: Published April 29, 2024, featuring former anchor AC Barker and current anchor Kim Chapman Whitfield.

a. Written Statements for Retraction:

1. [Title] *"Pet owner demands refund as puppy returns sick, pregnant from unlicensed Georgia kennel."*

2. [Caption] *"A pet owner in Georgia says he's looking for answers, and a refund, after his 8-month-old puppy returned from 4 weeks of training at a kennel with a parasite and pregnant with a litter of 7 puppies of her own. We dug deeper into the kennel in Chickamauga on Monday and learned that the Savage River Kennels used to have a kennel license but hasn't renewed that license in the last couple of years. Even though according to Facebook, it still appears to be open for business."*

b. Oral Statements for Retraction:

1. [AC Barker] "This is after her owners say she went to a training facility in Chickamauga..."
 2. [AC Barker] "Schild says he and his wife sent Nala back to Savage River Kennel back in January for four weeks of training He says there were no signs Nala was in heat before sending her off."
 3. [Steven Schild] We will feel like there was not the supervision that she says that there is there at the place.
 4. [AC Barker] "Jason Smith with the Georgia Department of Agriculture says that Savage River Kennels *doesn't have a current kennel license but did have one in the past.*"
 5. [Jason Smith] "*Apparently, they got to a point where they weren't meeting the requirement, not on the bad side, but they just weren't doing enough to meet the requirements to have a license*" ... "*So it appears that they have stepped out of that, that they stopped doing the business, which means they didn't need a license any longer.*"
 6. [AC Barker] But as you can see from their recent Facebook posts, Savage River Kennels has posted about training dogs for months.
 7. [Jason Smith] "I have to do a little more investigation [cuts out]."
 8. [Kim Chapman Whitfield.] "*The Georgia Department of Agriculture says the kennel reapplied for a license two months ago but have not paid their fees, so they are still currently unlicensed.*"
- v. YouTube Video #2: Published April 30, 2024, featuring former anchor AC Barker.

a. Written Statements for Retraction:

1. [Title] "*Pet owner demands refund as puppy returns sick, pregnant from unlicensed Georgia kennel.*"
2. [Caption] "A pet owner in Georgia says he's looking for answers, and a refund, after his 8-month-old *puppy returned from 4 weeks of training at a kennel with a parasite and pregnant with a litter of 7 puppies of her own.* We dug deeper into the kennel in Chickamauga on Monday and *learned that the Savage River Kennels used to have a kennel license but hasn't renewed that license in the last couple of years. Even though according to Facebook, it still appears to be open for business.*

3. Full story: <https://newschannel9.com/news/local/pet-owner-demands-refund-as-puppy-returns-sick-pregnant-from-illicit-chickamauga-kennel-savage-river-kennels-litter-puppies-giardia-parasite-canine-training-gone-wrong-pet-problems-chickamauga#>.”

b. Oral Statements for Retraction:

1. [AC Barker] “...and now nearly three months later, that pet owner has seven more puppies”
2. [Jason Smith] “Apparently, they got to a point where they weren’t meeting the requirement, not on the bad side, but they just weren’t doing enough to meet the requirements to have a license.”
3. [AC Barker] “...but as you can see from their recent Facebook post, Savage River Kennels has posted about training dogs for months.”

19. Specifically, Defendants: a. Failed to verify the accuracy of their sources; b. Relied on unreliable and biased sources without conducting independent verification; c. Ignored readily available contradictory information that would have revealed the falsity of their statements; d. Failed to follow standard journalistic practices for fact-checking and verification; and, e. Failed to properly train and supervise their employees, for whom they are vicariously liable.

20. The false statements were seen and heard by numerous individuals throughout Tennessee and beyond through both the television broadcast and the online publications.

21. As a direct and proximate result of Defendants' false statements, Plaintiff has suffered substantial harm, including but not limited to: a. Significant decrease in business revenue; b. Loss of existing and potential customers; c. Damage to professional and personal reputation; d. Severe emotional distress, including anxiety, sleeplessness, and humiliation; e. Out-of-pocket expenses incurred in attempting to mitigate the damages.

22. Since the broadcast and publication, Plaintiffs have experienced a significant decline in business revenue.

23. Despite Plaintiff's requests for a retraction and correction of the false statements, Defendants have failed and refused to issue any retraction, correction, or apology or to take down the internet links to the defamatory stories/statements.

24. The events giving rise to the news story stem from the unsubstantiated allegations of Chattanooga residents Steven and Morgan Schild, whose then-7-month-old female Goldendoodle dog, Nala, resided at Savage River Kennels in Chickamauga, Georgia for a planned 4-week training program from February 1, 2024, to February 26, 2024.

25. On February 1, 2024, Mr. Schild family met with Plaintiff Melissa Walthour, who is the manager and trainer for Savage River and operates and directs the facility. Mr. Schild was provided with Savage River Kennel's Dog Boarding/Training Agreement, which he read, reviewed, completed, and signed. Such Agreement contains unequivocal waivers and exculpatory clauses accepted by Mr. Schild to include acceptance of the risk of contracting bacteria and/or sickness while in a kennel environment.

26. Further, Mr. Schild understood and accepted, in writing, that sending an unspayed female dog for residential training/boarding is entirely at their own risk.

27. Mr. Schild agreed to hold Plaintiffs harmless should any "sickness" or "illness" occur during training and fully accepted any risk of pregnancy by choosing to leave an unspayed female dog at Savage River Kennels. Mr. Schild concurred via contractual waiver that the Plaintiffs would not be responsible for any costs or consequences of any pregnancy.

28. After Nala's "Graduation Day" on February 26, 2024, Nala returned home to the Schild family, who expressed their extreme contentment and gratitude with Plaintiffs, in writing.

29. On February 27, 2024, the following day, Plaintiff Walthour, with permission from the Schild family, shared via social media a recorded video and photo of the Schild family with Nala, taken at the Graduation Day ceremony. The video and photo were posted on the Savage River Kennel Facebook and Instagram pages, and demonstrated a happy, healthy, well-cared for Nala engaged in training skills with the minor Schild children, and a family group photo including Mr. Schild.

30. On February 27, 2024, Mrs. Schild also sent a text message to Plaintiff Walthour stating that they had taken Nala to the groomer. Mrs. Schild did not report that Nala was sick or experiencing any issues, and informed Plaintiff Walthour that, due to the training program, the groomer visit was “the best drop off experience I’ve ever had ... no jumping ... no barking ... thank you.”

31. Neither Mr. Schild nor any of the members of his family contacted Plaintiffs between February 28, 2024, and April 12, 2024, a 44-day period.

32. On Friday, April 12, 2024, one (1) month and fifteen (15) days after Nala’s graduation and exit from the Savage River training program, Plaintiff Walthour received a phone call from Mr. Schild.

33. In this call, Mr. Schild informed Plaintiff Walthour that Nala was pregnant. Mr. Schild accused an unknown personal dog of Plaintiff Walthour of being the father of the litter.

34. During this call, Plaintiff Walthour informed Mr. Schild that the pregnancy was unlikely to have occurred during the training, as Nala exhibited no signs of heat. Further, no personal dogs of Plaintiff Walthour reside in or about the kennels and are entirely contained from any residential training or boarding dogs.

35. Additionally, the Agreement executed by Mr. Schild relays that there are risks associated with boarding unspayed female dogs, and Savage River Kennels will not be responsible if pregnancy occurs or for any costs involved.

36. The following Friday, April 19, 2024, Mr. Schild again called Plaintiff Walthour. Mr. Schild maintained a verbally aggressive tone and herein demanded a full refund of the \$2,000 training fee paid for Nala's 4-week session in February 2024.

37. Plaintiff Walthour refused to refund this money, as Mr. Schild and his wife had previously repeatedly expressed satisfaction with the training. Plaintiff Walthour again informed Mr. Schild that Nala exhibited no signs of being in heat while at Savage River over 45 days prior, and that she was in no way responsible for any pregnancy of Nala.

38. Further, during a previous inspection by the Georgia Department of Agriculture on February 7, 2024, during Nala's training, the inspector stated to Plaintiff Walthour that no dogs displayed signs of heat.

39. As Mr. Schild continued to demand a refund of \$2,000, Plaintiff Walthour informed Mr. Schild that she would seek the advice of counsel on how to proceed. Upon mention of consulting an attorney, Defendant became increasingly irate.

40. Accordingly, Plaintiff Walthour promptly ended the call to avoid further unwarranted beratement.

41. On the next Friday, April 26, 2024, Plaintiff Walthour received a third phone call from Mr. Schild.

42. He requested a copy of his executed Dog Boarding/Training Agreement, which Plaintiff Walthour forwarded a scan of via email on April 26, 2024, at 5:55 p.m.

43. During this call, Mr. Schild stated that Nala's puppies had been born on April 17, 2024.

44. Notably, this alleged date of birth is two days prior to the April 19, 2024, phone call from Mr. Schild to Plaintiff Walthour, in which he did not mention the birth of the puppies.

45. Mr. Schild then inquired if Plaintiff Walthour had spoken with counsel regarding issuing a \$2,000 refund.

46. Plaintiff Walthour stated that she had conferred with both counsel and Rob Walthour, owner of Savage River Enterprises, LLC, and the training program payment would not be refunded. Plaintiff Walthour informed Mr. Schild that he had been, and continues to be, satisfied with the quality of the training.

47. Mr. Schild, for the first time, made a claim to Plaintiff Walthour that Nala had contracted giardia during her training stay. He informed Plaintiff Walthour that Nala was sick when they picked her up and had diarrhea for weeks after. Such assertion is totally belied by the dog's condition during the "Graduation Day" activities and as reported at the groomer on the following day.

48. A diagnosis of giardia had never been mentioned by the Schild family to Plaintiffs. In fact, Mr. Schild had not mentioned any sickness during his two prior phone calls, nor had Mrs. Schild via text on February 27, 2024, when discussing her satisfaction with training and Nala's visit to a groomer on that same day.

49. At the end of the final phone call on April 26, 2024, Mr. Schild asked to confirm as a final matter that there would be no refund. Upon Plaintiff Walthour's repeated refusal, Mr. Schild stated, "Okay, that's all I needed to know!" The call ended.

50. Subsequent to this phone call, Mr. Schild contacted news outlets, including former WTVC NewsChannel 9 reporter AC Barker, to share false and misleading information for publication, including that his dog had returned from Savage River Kennels both pregnant and infected with giardia. The news story aired Monday, April 29, 2024.

51. Mr. Schild admits to messaging NewsChannel9 via Facebook after this April 26, 2024, phone call, making extreme allegations to which NewsChannel9 was never able to obtain substantive proof, as none exists.

52. Mr. Schild admits to also messaging Sara Filips, Digital Content Producer with NewsChannel8, an NBC Affiliate owned by Nexstar Media, Inc., out of Tampa, FL. This news station elected not to pursue the false and defamatory statements of Mr. Schild that were recklessly pursued by Defendant NewsChannel9 and Defendant Barker.

53. This false, defamatory, and misleading information has no provided basis in fact. Defendants failed to handle their reporting duties with due diligence. Further, Defendant Barker knew or should have known of the validity and active status of Plaintiffs' kennel license, which was listed with license number and issue date on the Georgia Department of Agriculture website. Further, a colleague of Plaintiffs informed Defendant Barker of this fact via message on May 3, 2024, to no avail.

54. On May 1, 2024, two days after the airing of the WTVC NewsChannel 9 segment by Defendant AC Barker showcasing Mr. Schild and his allegations against Plaintiffs, Plaintiffs received an unannounced visit from an inspector, subsequent to a report of giardia made by Mr. Schild himself.

55. The inspector again found no evidence or signs of giardia at Savage River Kennels. Notably, Savage River Kennels has always received perfect scores on all health and safety inspections since its inception and has never been issued even a warning.

56. Defendant AC Barker made a phone call to Plaintiff Walthour asking for comment on April 29, 2024.

57. Plaintiff Walthour refused comment per advice of counsel. Upon ending the call, Plaintiff Walthour observed AC Barker sitting in her vehicle at the gate at the end of the Savage River Kennels driveway. The kennel premises are on the personal property of Plaintiff Walthour and her husband, Rob Walthour, and the kennel is adjacent to their personal home.

58. On this date, Mr. Schild appeared on WTVC NewsChannel 9 in a segment which alleged, without any proof provided, that Nala had both been impregnated and contracted giardia during her time at Savage River Kennels. Further, the news article falsely stated that the training facility was unlicensed. Savage River Kennel's current, valid license was issued January 22, 2024, with an expiry date of May 31, 2025.

59. The NewsChannel 9 TV news segment was memorialized via written article by AC Barker on that same date, and clips were aired via radio, social media, and on the news channel's YouTube channel on both April 29, 2024, and April 30, 2024.

60. WTVC NewsChannel 9 is owned and operated by the Sinclair Broadcasting Group, a large conglomerate which owns and operates affiliated Fox, ABC, and other news stations across the country. Due to this wide network, the article began to spread rapidly, originally entitled, "*Pet owner demands refund as puppy returns sick, pregnant from unlicensed kennel.*"

61. Plaintiffs began to suffer extreme harassment because of the news reports. These include threats, harassing voicemails, and violent comments on social media platforms. The comment sections on articles regarding Defendant's baseless claims began to fill with hateful comments. Notably, a death threat was posted to the Savage River Facebook page against Plaintiff Walthour.

62. Plaintiff Walthour also directly received numerous abusive text messages, phone calls, and voice mails to her cell phone.

63. As a direct and proximate result of Defendants' actions, Plaintiff Walthour has suffered and continues to suffer extreme emotional distress and the loss of the enjoyment of her prior career and life, which she had been building for 30+ years.

64. Since the time of the defamatory articles, Plaintiff Walthour suffers from extremely high anxiety and post-traumatic stress, with physical manifestations, rising to such a level whereby she sought and continues to seek medical treatment.

65. Due to the rapid spread of the false, defamatory, and misleading information provided by Defendants on a national platform, Plaintiffs immediately began to suffer a steep decline in bookings and cancellations of existing customers.

66. Additionally, since the news article's release on April 29, 2024, based on Defendants' defamation, libel, and false light invasion of privacy, Plaintiffs have suffered severe damage to their business and reputation.

67. Plaintiffs immediately began to suffer loss of business in all areas, both training and boarding services. This including cancellations on the day following the airing of the news segment. Customers directly cited the news article published April 29, 2024, when requesting cancellations and refunds.

68. Prior to the actions of Defendants, Plaintiffs were booked for training 6-8 months in advance. The decline in bookings was immediate. On a typical month, Plaintiffs trained 8-10 dogs per session and boarded additional dogs on a regular and consistent basis. In May 2024, only 4 dogs remained booked. In 2024, this number was reduced to 3 dogs. Over the summer months following, Plaintiffs only had 1-2 dogs booked per month.

69. To date, Plaintiffs' business continues to suffer, and prospective customers have repeatedly referenced the publications of Defendants found on the internet. As of the date of filing this Complaint, Plaintiffs have no future bookings for either training or boarding.

70. Plaintiff Walthour has lost additional employment opportunities beyond the business of Savage River Kennels, as the direct and proximate result of Defendants' tortious actions. Specifically, Walthour's interviews for a teaching position at an equestrian facility were thwarted due to the articles. Despite Plaintiff Walthour's exemplary qualifications and expertise, the owner of the facility did not offer Plaintiff employment due to concerns over the negative media attention.

71. To date, Defendants have not issued any meaningful retraction.

Count I – Libel

72. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

73. Defendants published statements about Plaintiffs on their newscasts and various media outlets website that were false and defamatory.

74. Defendants knew or should have known, in the exercise of reasonable care, that the published statements were false and defamatory.

75. The false and defamatory statements concerned Plaintiffs' professional reputation, business practices, and personal integrity.

76. The false and defamatory statements have subjected Plaintiffs to public hatred, contempt, and ridicule, and have impaired Plaintiffs' standing in the community and business prospects.

77. Defendants acted with intentional or reckless disregard for the truth and/or with negligence in failing to ascertain the truth of the statements prior to publication.

78. Defendants' published statements constitute a serious threat to Plaintiffs' reputation. Defendant's statements hold Plaintiffs up to public hatred, contempt and ridicule, carrying with them an element of disgrace.

79. As a direct and proximate result of Defendants' intentional and/or reckless conduct, Plaintiff Walthour has suffered injuries including mental and emotional distress and anguish, and deprivation of the ability to enjoy the pursuit and pleasures of life.

80. As a direct and proximate result of Defendants' libelous statements, Plaintiffs have suffered actual damages including economic losses, reputational harm, and emotional distress.

81. Defendants are liable to Plaintiffs for all compensatory and punitive damages proximately cause by their conduct.

Count II – False Light Invasion of Privacy (As to Plaintiff Walthour)

82. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

83. Defendants gave publicity to matters concerning Plaintiff Walthour that placed Plaintiff in a false light before the public on a national scale, as Sinclair Broadcast Group ran such news stories on affiliate channels all across the country.

84. Defendants acted with intentional or reckless disregard for the truth and/or with negligence in failing to ascertain the truth of the statements prior to her speech and publication.

85. Defendants had knowledge of or acted in reckless disregard as to the falsity of the publicized matters and the false light in which Plaintiff Walthour would be placed, as Defendants utilized popular media channels, websites, and published these statements in an official capacity as a news broadcast.

86. The false light in which Plaintiff was placed would be highly offensive to a reasonable person.

87. Plaintiff Walthour has and continues to suffer damages from the invasion of her privacy. Plaintiff Walthour has been the recipient of extreme public hatred, contempt and ridicule, including death threats and voicemails left on her personal cell phone.

88. Further, as a direct and proximate result of Defendants' intentional, grossly negligent and/or reckless conduct, Plaintiff Walthour suffered damage to her decades-long good reputation in the dog training and boarding community. Her good name has been sullied, and her career thwarted. She has suffered substantial monetary damages since the time of the incident.

89. As a direct and proximate result of Defendant's intentional and/or reckless conduct, Plaintiff Walthour has also suffered injuries including mental and emotional distress and anguish, and deprivation of the ability to enjoy the pursuit and pleasures of life.

90. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered damages including emotional distress, embarrassment, humiliation, and injury to reputation.

91. Defendants are liable to Plaintiff Walthour for both compensatory damages and punitive damages.

Count III. Negligent Infliction of Emotional Distress

92. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

93. Defendants owed Plaintiff Walthour a duty to exercise reasonable care in gathering, verifying, and publishing information about Plaintiff and Plaintiff's business.

94. Defendants breached this duty by failing to properly investigate the accuracy of information prior to broadcasting and publishing false and defamatory statements about Plaintiff.

95. As a direct and proximate result of Defendants' negligent conduct, Plaintiff has suffered serious and severe emotional distress that has manifested in physical and emotion symptoms including but not limited to anxiety, depression, sleeplessness, loss of appetite, and physical illness.

96. A reasonable person would not be expected to endure such emotional distress without suffering unreasonable harm.

97. Defendants' conduct was the actual and proximate cause of Plaintiff's emotional injuries.

98. Defendants are liable to Plaintiff Walthour for all damages proximately caused by their conduct.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray:

1. That process issue and be served upon the Defendants, requiring them to Answer within the time required by law;

2. That Plaintiffs, Melissa Walthour and Savage River Enterprises, LLC d/b/a Savage River Kennels, be awarded judgment for damages in such sums that shall be determined to fully and fairly compensate Plaintiffs for all general, special, incidental, non-economic, and consequential damages incurred, or to be incurred, by Plaintiffs, in an amount not less than \$1,000,000.00;

3. That Plaintiffs be awarded punitive damages in an amount sufficient to punish Defendants for their willful, wanton, and reckless conduct and to deter similar conduct in the future; equal to the greater of two (2) times the total amount of compensatory damages awarded or not less than \$2,000,000;

4. For a public retraction and apology from Defendants regarding the false and defamatory publications;

5. That a jury of twelve (12) be empaneled to hear this cause on all issues so triable;

6. That all costs in this action be taxed to the Defendants; and

7. That the Court award Plaintiffs such other and further relief as it deems just and appropriate.

RESPECTFULLY SUBMITTED:

**MCKOON, WILLIAMS, ATCHLEY &
STULCE, PLLC**

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[^] Also Admitted in Florida
^{*} Also Admitted in Georgia

ATLANTA ADDRESS:
12600 DEERFIELD PKWY, STE. 100
ALPHARETTA, GA 30004
TELEPHONE: 770-777-6842

JOHN WILLIAM DIETZEN (1931 - 2015)
WALTER F. WILLIAMS (RETIRED)

October 11, 2024

VIA UPS OVERNIGHT MAIL AND HAND DELIVERY

Todd Ricke, General Manager
WTVC-TV NewsChannel 9
4279 Benton Drive
Chattanooga, TN 37406

VIA UPS OVERNIGHT MAIL

Registered Agent, Sinclair Broadcast Group, LLC
c/o C T CORPORATION SYSTEM
300 Montvue Road
Knoxville, TN 37919

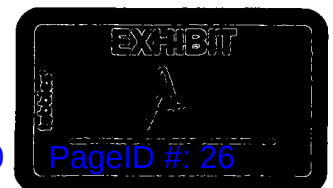
Re: Notice of Demand for Retraction of Defamatory Statements Regarding Savage River Kennels in April 2024 Articles, TV News Segment, and YouTube Videos, "Pet owner demands refund as puppy returns sick, pregnant from unlicensed kennel"

Dear Mr. Ricke:

Please be advised that we represent Savage River Enterprises, LLC, d/b/a Savage River Kennels, and Melissa Walthour. Pursuant to Tenn. Code § 29-24-103(a), we are writing to give notice of our demand for retraction of false, misleading, and/or defamatory statements published in multiple media formats by WTVC-TV NewsChannel 9 News, former anchor AC Barker, and current anchor Kim Chapman Whitfield.

These articles and statements include, but are not limited to, the following 5 (five) publications by WTVC-TV NewsChannel 9 News:

1. News Article- Published on April 29, 2024, original title titled "*Pet owner demands refund as puppy returns sick, pregnant from unlicensed kennel*"; revised May 7, 2024, current title "*State: No violation for dog that returned from kennel pregnant despite previous complaint*".
URL: <https://newschannel9.com/news/local/pet-owner-demands-refund-as-puppy-returns-sick-pregnant-from-illicit-chickamauga-kennel-savage-river-kennels-litter-puppies-giardia-parasite-canine-training-gone-wrong-pet-problems-chickamauga>
2. Television News Segment- Aired on or about April 29, 2024, featuring former anchor AC Barker and current anchor Kim Chapman Whitfield.
3. Radio News Segment- Aired on or about April 29, 2024.



4. YouTube Video #1: Posted April 29, 2024 with text caption, to the official WTVC-TV NewsChannel 9 account, titled "*Pet owner demands refund as puppy returns sick, pregnant from unlicensed Georgia kennel*".
URL: <https://youtu.be/3dfkze3yLWw?si=RGTEQw7iPOEoZ-ai>
5. YouTube Video #2: Posted April 30, 2024 with text caption, to the official WTVC-TV NewsChannel 9 account, also titled "*Pet owner demands refund as puppy returns sick, pregnant from unlicensed Georgia kennel*". This video includes a watermark of former NewsChannel 9 anchor AC Barker's TikTok username, @ACBARKER_NC9.
URL: <https://youtube.com/shorts/PNhTtx23D5s?si=EyYdn3VenwnroOw7>

These publications were widely disseminated by WTVC-TV NewsChannel 9 via social media and other additional formats known to NewsChannel 9. Subsequently, news outlets across the United States re-shared these publications. As a direct and proximate result of the false and defamatory statements made and published by WTVC-TV NewsChannel 9, Savage River Kennels and Melissa Walthour have suffered harm. While the article has undergone one (1) known set of revisions, neither of the YouTube videos/accompanying text captions published by NewsChannel 9 have received these revisions. Further, the amended article fails to rectify its misreporting on the Savage River Kennel's licensure status. See attached Savage River Kennel's current and active Kennel License, reflecting an issue date of January 22, 2024.

We request prompt retraction of the false, misleading, and/or defamatory statements listed below, with emphasis added to retain context of statements while identifying portions for retraction:

1. News Article: Edited version published May 7, 2024; author stated as AC Barker.

A. Written Statements for Retraction:

- i. [URL] Reflects original title of article, <https://newschannel9.com/news/local/pet-owner-demands-refund-as-puppy-returns-sick-pregnant-from-illicit-chickamauga-kennel-savage-river-kennels-litter-puppies-giardia-parasite-canine-training-gone-wrong-pet-problems-chickamauga#>
- ii. [Photo 2/7 caption] "*Dog pregnant after kennel stay*"
- iii. "An open records request reveals that the Georgia Department of Agriculture found no violations when they investigated an 8-month-old puppy *who came back from a Chickamauga trainer pregnant.*"
- iv. "We dug deeper into the kennel in Chickamauga on Monday and learned that the *Savage River Kennels used to have a kennel license but hasn't renewed that license in the last couple of years. Even though according to Facebook, it still appears to be open for business.*"
- v. "*The fact that Savage River Kennels has not renewed their kennel license in a few years -- but appears to be still operating as one -- is a concern for Jason Smith, program manager for the Companion Animal Equine Program of the Georgia Department of Agriculture.*"

- vi. *"Smith later confirmed that Savage River Kennels held a pet dealer license until March 2021, when they let their license lapse. The kennel also had a kennel license which lapsed in March 2023."*
- 2. Television News Segment- Aired on or about April 29, 2024, featuring former anchor AC Barke and current anchor Kim Chapman Whitfield.
 - A. Oral Statements for Retraction:
 - i. See below, as the TV segment was recorded, and subsequently re-published as YouTube Video #1.
- 3. Radio News Segment- Aired on or about April 29, 2024, contents unknown. NewsChannel 9 is responsible for their oral statements made via radio and should issue retractions identical to those outlined herein.
- 4. YouTube Video #1: Published April 29, 2024, featuring former anchor AC Barke and current anchor Kim Chapman Whitfield.
 - A. Written Statements for Retraction:
 - i. [Title] *"Pet owner demands refund as puppy returns sick, pregnant from unlicensed Georgia kennel"*.
 - ii. [Caption] *"A pet owner in Georgia says he's looking for answers, and a refund, after his 8-month-old puppy returned from 4 weeks of training at a kennel with a parasite and pregnant with a litter of 7 puppies of her own. We dug deeper into the kennel in Chickamauga on Monday and learned that the Savage River Kennels used to have a kennel license but hasn't renewed that license in the last couple of years. Even though according to Facebook, it still appears to be open for business."*
 - B. Oral Statements for Retraction:
 - i. [AC Barker] *"This is after her owners say she went to a training facility in Chickamauga..."*
 - ii. [AC Barker] *"Schild says he and his wife sent Nala back to Savage River Kennel back in January for four weeks of training He says there were*
 - iii. [Steven Shild] *We will feel like there was not the supervision that she says that there is there at the place*
 - iv. [AC Barker] *"Jason Smith with the Georgia Department of Agriculture says that Savage River Kennels doesn't have a current kennel license but did have one in the past".*
 - v. [Jason Smith] *"Apparently, they got to a point where they weren't meeting the requirement, not on the bad side, but they just weren't doing enough to meet the requirements to have a license" ... "So it appears that they have stepped out of that, that they stopped doing the business, which means they didn't need a license any longer."*

- vi. [AC Barker] But as you can see from their recent Facebook posts, Savage River Kennels has posted about training dogs for months.
- vii. [Jason Smith] "I have to do a little more investigation [cuts out]".
- viii. [Kim Chapman Whitfield.] *"The Georgia Department of Agriculture says the kennel reapplied for a license two months ago but have not paid their fees, so they are still currently unlicensed"*.

5. YouTube Video #2: Published April 30, 2024, featuring former anchor AC Barker.

A. Written Statements for Retraction:

- i. [Title] *"Pet owner demands refund as puppy returns sick, pregnant from unlicensed Georgia kennel"*.
- ii. [Caption] *"A pet owner in Georgia says he's looking for answers, and a refund, after his 8-month-old puppy returned from 4 weeks of training at a kennel with a parasite and pregnant with a litter of 7 puppies of her own. We dug deeper into the kennel in Chickamauga on Monday and learned that the Savage River Kennels used to have a kennel license but hasn't renewed that license in the last couple of years. Even though according to Facebook, it still appears to be open for business."*

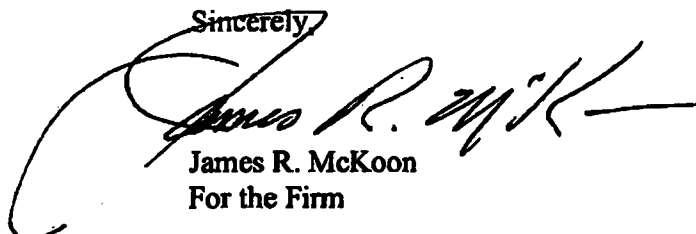
Full story: <https://newschannel9.com/news/local/pet-owner-demands-refund-as-puppy-returns-sick-pregnant-from-illicit-chickamauga-kennel-savage-river-kennels-litter-puppies-giardia-parasite-canine-training-gone-wrong-pet-problems-chickamauga#>".

B. Oral Statements for Retraction:

- i. [AC Barker] *"...and now nearly three months later, that pet owner has seven more puppies"*
- ii. [Jason Smith] *"Apparently, they got to a point where they weren't meeting the requirement, not on the bad side, but they just weren't doing enough to meet the requirements to have a license"*.
- iii. [AC Barker] *"...but as you can see from their recent Facebook post, Savage River Kennels has posted about training dogs for months."*

Thank you for your prompt attention to this matter.

Sincerely,



James R. McKoon
For the Firm

JRM/cmb
Enclosures

Licensing

Your one-stop shop for licenses administered by
the Georgia Department of Agriculture

Kennels Licenses

License #: 3501418

Kennel Name: Savage River

Contact: Melissa Walthour

Address: 8994 West Cove Road

City, State, Zip: Chickamauga , GA 30707

County: WALKER

Phone: 4237628009

Issue Date: 1/22/2024 3:31:00 PM

Expiration Date: 5/31/2025

If you have questions or find erroneous data, please contact GDA Licensing Division by e-mail at gda Licensing@agr.georgia.gov or call **404-586-1419** or mail to:

Georgia Department of Agriculture
Animal Industry Division
19 Martin Luther King, Jr. Dr. SW
Atlanta, GA 30334

Date Last Updated: 5/2/2024

Other Useful Links:

- [Georgia Department of Agriculture \(GDA\) website](#)
- [All GDA Licenses](#)

State of Tennessee
In the Circuit Court of Hamilton County

SAVAGE RIVER ENTERPRISES, LLC
d/b/a SAVAGE RIVER KENNELS, and
MELISSA WALTHOUR,
Plaintiff,

JURY DEMAND

VS

DOC NO. 25CS78

SINCLAIR BROADCAST GROUP, LLC
d/b/a WTVC-TV NEWSCHANNEL 9,
and ANNA "AC" BARKER,
Defendants.

DIV. NO. _____

SUMMONS

To: **SINCLAIR BROADCAST GROUP, LLC d/b/a WTVC-TV NEWSCHANNEL 9; VIA PRIVATE PROCESS**
ANNA "AC" BARKER; VIA PRIVATE PROCESS
Defendants Addresses

You are hereby summoned to answer and make defense to a bill of complaint which has been filed in the Circuit Court of Hamilton County, Tennessee, in the above styled case. Your defense to this complaint must be filed in the office of the Circuit Court Clerk of Hamilton County, Tennessee on or before thirty (30) days after service of this summons upon you. If you fail to do so, a judgment of default will be taken against you for the relief demanded in the complaint.

WITNESSED and Issued this 29 day of April, 2025.

Larry L. Henry, Circuit Court Clerk

Circuit Court of Hamilton County
500 Courthouse
625 Georgia Avenue
Chattanooga, Tennessee 37402
(423) 209-6700

By D. Santa
Deputy Circuit Court Clerk

Attorneys for Plaintiff James R. McKoon, McKoon, Williams, Atchley & Stulce, PLLC, 633 Chestnut Street, Suite 1500, Chattanooga, TN 37450

Plaintiff's Address: same as attorney

Received this _____ day of _____, 2025.

/S/ _____
Deputy Sheriff



ADA COORDINATOR, FOR ASSISTANCE CALL (423) 209-6120

IN THE CIRCUIT COURT FOR HAMILTON COUNTY, TENNESSEE

SAVAGE RIVER ENTERPRISES, LLC
d/b/a SAVAGE RIVER KENNELS, and
MELISSA WALTHOUR,
Plaintiffs,

VS

SINCLAIR BROADCAST GROUP, LLC
d/b/a WTVC-TV NewsChannel 9, and
ANNA CAROLINE "AC" BARKER,
Defendants.

JURY DEMAND

FILED IN OFFICE

2025 MAY -8 PM 3:38

LARRY L. HENRY, CLERK

DOC. NO. 25C578

DIV. IV

BY ds

AFFIDAVIT OF SERVICE

STATE OF TENNESSEE)

COUNTY OF HAMILTON)

I, Trudi Burner, do hereby swear and affirm that I am over eighteen years of age, that I am not a witness or party to this litigation and that I served Sinclair Broadcast Group, LLC d/b/a WTVC-TV NewsChannel9 c/o their Registered Agent, CT Corporation System at 300 Montvue Road, Knoxville, Tennessee with a copy of the *Summons* and *Complaint* in this cause on the 2nd day of May, 2025 by Certified US Mail as evidenced by the attached Domestic Return Receipt.

Trudi Burner

Trudi Burner, Affiant
633 Chestnut Street, Suite 1500
Chattanooga, TN 37450
(423) 756-6400

Sworn to and subscribed before me
this 5th day of May, 2025

Stacy P. Howard

NOTARY PUBLIC

My Commission Expires: 7/30/25



10 5270 0957 0083 16

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee

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Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage

\$

11.54

Sinclair Broadcast Group, LLC
d/b/a WTVC-TV NewsChannel9
c/o Reg. Agent: CT Corporation System
300 Montvue Road
Knoxville, TN 37919

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Mailed 4/29/25
FD
Postmark
Here
Walshville
NC9

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. *D# 250370*
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sinclair Broadcast Group, LLC
d/b/a WTVC-TV NewsChannel9
c/o Reg. Agent: CT Corporation System
300 Montvue Road
Knoxville, TN 37919



9590 9402 8254 3094 6079 98 *D1*

9589 0710 5270 0957 0083 16

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Sanantha S...* Agent
B. Received by (Printed Name) Addressee

MAY 02 2025 C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail[®]
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express[®]
☐ Registered MailTM
☐ Registered Mail Restricted Delivery
☐ Signature ConfirmationTM
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

State of Tennessee
In the Circuit Court of Hamilton County

FILED IN OFFICE

2025 APR 29 PM 3:42

LARRY L. HENRY, CLERK

SAVAGE RIVER ENTERPRISES, LLC
d/b/a SAVAGE RIVER KENNELS, and
MELISSA WALTHOUR,
Plaintiff,

VS

SINCLAIR BROADCAST GROUP, LLC
d/b/a WTVC-TV NEWSCHANNEL 9,
and ANNA "AC" BARKER,
Defendants.

JURY DEMAND BY DX _____

DOC NO. 25C578

DIV. NO. _____

SUMMONS
To: **SINCLAIR BROADCAST GROUP, LLC d/b/a WTVC-TV NEWSCHANNEL 9; VIA PRIVATE**
PROCESS
ANNA "AC" BARKER; VIA PRIVATE PROCESS
Defendants

Addresses

You are hereby summoned to answer and make defense to a bill of complaint which has been filed in the Circuit Court of Hamilton County, Tennessee, in the above styled case. Your defense to this complaint must be filed in the office of the Circuit Court Clerk of Hamilton County, Tennessee on or before thirty (30) days after service of this summons upon you. If you fail to do so, a judgment of default will be taken against you for the relief demanded in the complaint.

WITNESSED and Issued this 29 day of April, 2025.

Circuit Court of Hamilton County
500 Courthouse
625 Georgia Avenue
Chattanooga, Tennessee 37402
(423) 209-6700

Larry L. Henry, Circuit Court Clerk

By D. Santis DC
Deputy Circuit Court Clerk

Attorneys for Plaintiff James R. McKoon, McKoon, Williams, Atchley & Stulce, PLLC, 633 Chestnut Street, Suite 1500, Chattanooga, TN 37450

Plaintiff's Address: same as attorney

Received this _____ day of _____, 2025.

/S/

Deputy Sheriff

 ADA COORDINATOR, FOR ASSISTANCE CALL (423) 209-6120

**IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE
AT CHATTANOOGA**

**SAVAGE RIVER ENTERPRISES,
LLC., d/b/a SAVAGE RIVER
KENNELS, and MELISSA
WALTHOUR,**

Plaintiffs,

vs.

**SINCLAIR BROADCAST GROUP,
LLOC d/b/a WTVC-TV
NEWSCHANNEL 9, and ANNA
CAROLINE "AC" BARKER,**

Defendants.

Docket No. 25C578

DIVISION I

JURY DEMAND

FILED IN OFFICE
2025 MAY 13 PM 3:49
LARRY L. HENRY, CLERK
BY *CS*

ORDER

This cause came before the Court for review on May 13, 2025. This cause arises out of an alleged defamation in late April, 2024. The Complaint was filed on April 29, 2025. There is evidence of service of process on the defendant on May 5, 2025.

Counsel for the parties shall contact Ms. Cherish Smith at (423) 209-6731 no later than June 11, 2025, to arrange a Tenn. R. Civ. P. 16 and 26.06 scheduling and discovery conference to occur no later than June 27, 2025. Any motion for additional time to contact the clerk or within which to have the conference to occur shall be filed no later than June 9, 2025, supported by an affidavit affirmatively demonstrating good cause for additional time. Failure to comply with the foregoing may result in the Court sua sponte setting the time for the conference. It is, hereby,

SO ORDERED.

ENTERED this 13 day of May, 2025.

CLERK'S CERTIFICATE

The undersigned hereby certifies that a copy of this order has been mailed to all parties or counsel to all parties in this case.

This 14 day of May, 2025.

LARRY HENRY, CLERK

By: *[Signature]* DC

[Signature]
HONORABLE JUDGE
J.B. BENNETT
DIVISION I

CC:

James McKoon
Cassandra Buer
633 Chestnut Street, Suite 1500
Chattanooga, TN 37450
Counsel for plaintiffs

Sinclair Broadcast Group, LLC - d/b/a WTVC-TV Newschannel 9
Registered Agent CT Corporation System
300 Montvue Road
Knoxville, TN 37919
Defendant